

AMENDED IN ASSEMBLY APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2255

Introduced by Assembly Member Melendez
(Principal coauthor: Assembly Member Brough)
(Coauthor: Assembly Member Harper)
(Coauthor: Senator Bates)

February 18, 2016

An act to add Section 11834.19 to the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2255, as amended, Melendez. ~~Sober living homes. Drug and alcohol free residences.~~

Existing law provides for the licensure and regulation of community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Health Care Services of *adult* alcoholism and drug abuse recovery and treatment facilities for adults.

This bill ~~would~~ *would, among other things*, define a ~~“sober living home”~~ *“drug and alcohol free residence”* as a residential property that meets specified ~~requirements~~ *requirements and has been certified by an organization approved by the State Department of Health Care Services, defined as “an approved certifying agency.”* The bill would provide that a residence housing ~~those purporting persons who purport~~ to be recovering from drug or alcohol abuse would be presumed to be a ~~sober living home drug and alcohol free residence if it the residence has been certified, registered, or approved by a state-recognized nonprofit organization.~~ *certified by an approved certifying organization.*

The bill would require the nonprofit organization to establish minimum standards for sober living homes, including protocols to address suspected drug and alcohol abuse or to report the death of a resident. *an approved certifying organization, to among other things, maintain an affiliation with a recognized national organization, approved by the department, establish procedures to administer the application, certification, renewal, and disciplinary processes for a drug and alcohol free residence, and investigate and enforce violations by a residence of the organization's code of conduct, as provided. The bill would specify the information and documentation that an operator who seeks to have a residence certified is required to submit to an approved certifying organization.*

This bill would require the department to maintain and post on its Internet Web site a registry that contains specified information regarding each drug and alcohol free residence that has been certified or has had its certification revoked. The bill would deem the activities of a certified drug and alcohol free residence a residential use of property under specified circumstances, and would limit referral of persons who are required to reside in a sober living environment, as specified, to certified drug and alcohol free residences.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11834.19 is added to the Health and
- 2 Safety Code, to read:
- 3 11834.19. (a) (1) For purposes of this chapter, “sober living
- 4 home” section, “drug and alcohol free residence” means a
- 5 residential property that *has been certified by an approved*
- 6 *certifying agency pursuant to subdivision (c) and* is operated as a
- 7 cooperative living arrangement to provide an ~~alcohol-~~ alcohol and
- 8 ~~drug-free drug free~~ environment for persons recovering from
- 9 alcoholism or drug abuse, or both, who seek a living environment
- 10 in which to remain clean and sober, and that satisfies all of the
- 11 following requirements:
- 12 (1) ~~Residents of the facility;~~
- 13 (A) Residents, including live-in managers, operators, or owners,
- 14 are living a sober lifestyle.
- 15 (2)

1 (B) Residents actively participate in legitimate programs;
2 *programs of recovery from substance use disorder*, including, but
3 not limited to, Alcoholics Anonymous or Narcotics Anonymous
4 programs.

5 (3)

6 (C) Within the ~~sober living home~~, residents actively participate
7 ~~in legitimate recovery programs, including, but not limited to,~~
8 ~~outpatient treatment, 12-step recovery, and other recognized~~
9 ~~programs of recovery, and maintain current records of meeting~~
10 ~~attendance. drug and alcohol free residence, a resident who has~~
11 ~~been referred to, and has access to, ongoing outpatient treatment,~~
12 ~~aftercare, or other recovery maintenance services continues to~~
13 ~~use these services in accordance with a clinically managed system~~
14 ~~of care if one exists for the resident.~~

15 (4)

16 (D) Owners, managers, operators, and residents observe and
17 promote a zero tolerance policy regarding the consumption or
18 possession of alcohol or controlled substances, ~~except for~~
19 ~~prescription medications obtained and used under direct medical~~
20 ~~supervision. The observation and promotion of this policy may~~
21 ~~take into account demonstrable efforts made by residents to respond~~
22 ~~to, and prevent additional violations of, the policy. substances~~
23 ~~being used in any manner not consistent with a documented~~
24 ~~prescription.~~

25 (5) Owners, managers, operators, and residents ensure that the
26 property and its use comply with applicable state and local laws.

27 (b) (1)

28 (2) A residence ~~housing those purporting that houses persons~~
29 ~~who purport to be recovering from drug and alcohol abuse shall~~
30 ~~be presumed to be a sober living home drug and alcohol free~~
31 ~~residence if the residence has been certified, registered, or approved~~
32 ~~by a state-recognized nonprofit organization that provides a~~
33 ~~credible quality assurance service for applicants or members.~~
34 ~~certified by an approved certifying organization.~~

35 (2) The state-recognized nonprofit organization shall establish
36 minimum standards for all of the following:

37 (A) Protocols to address suspected drug and alcohol abuse.

38 (B) Protocols to report the death of a resident.

39 (C) Basic first aid and CPR training.

1 (3) *If a residence is certified pursuant to this section within 90*
2 *days of beginning its operations, the activities at that residence*
3 *shall be deemed a residential use of property and a use of property*
4 *by a single family.*

5 (b) *For purposes of this section the following definitions apply:*

6 (1) *“Approved certifying organization” means an organization*
7 *approved by the department to register a residence as a drug and*
8 *alcohol free residence pursuant to this section.*

9 (2) *“Approved national organization” means a recognized*
10 *national organization, approved by the department, the primary*
11 *function of which is to improve access to, and the quality of, drug*
12 *and alcohol recovery residences through standards, education,*
13 *research, and advocacy.*

14 (c) *An approved certifying organization shall do all of the*
15 *following:*

16 (1) *Maintain an office in the state.*

17 (2) *Maintain nonprofit status in the state.*

18 (3) *Be an affiliate of, and continuously maintain affiliation with,*
19 *an approved national organization.*

20 (4) *Maintain the most current standards published by the*
21 *approved national organization.*

22 (5) *Document that the organization actively develops and*
23 *confers professional, residential, or organizational quality*
24 *designations according to applicable nationally recognized*
25 *standards.*

26 (6) *Establish drug and alcohol free residence certification*
27 *requirements.*

28 (7) *Establish procedures to administer the application,*
29 *certification, renewal, and disciplinary processes for a drug and*
30 *alcohol free residence.*

31 (8) *Inspect, at least annually, a drug and alcohol free residence*
32 *to ensure compliance with certification requirements.*

33 (9) *Submit, to the department and the operator of a residence*
34 *that the organization certifies, a written code of conduct for a drug*
35 *and alcohol free residence that incorporates national standards*
36 *for legal and ethical conduct for recovery residences.*

37 (10) *Submit to the department and the operator of a drug and*
38 *alcohol free residence disciplinary guidelines that include*
39 *sanctions for first and subsequent violations of the organization’s*
40 *code of conduct that allows the drug and alcohol free residence*

1 *notice and opportunity to correct a violation and requires the*
2 *approved certifying organization to revoke the certification of the*
3 *residence if the required corrective action is not completed within*
4 *the specified time period.*

5 *(11) Respond to and investigate suspected violations of the*
6 *organization's code of conduct.*

7 *(12) Require an operator who seeks to have a residence certified*
8 *to submit all of the following documents with the operator's*
9 *completed application and fee:*

10 *(A) Procedures and requirements for verifying that a resident*
11 *remains drug and alcohol free.*

12 *(B) A prohibition on the premises against alcohol, illegal drugs,*
13 *or the use of prescribed medications by an individual except as*
14 *prescribed by a physician and used in accordance with the*
15 *prescription.*

16 *(C) Policies to support a resident's recovery efforts.*

17 *(D) A good neighbor policy to address neighborhood concerns*
18 *and complaints.*

19 *(E) A policy for informing local government officials and*
20 *neighbors about the approved certification organization's*
21 *complaint procedures, the contact number of the operator of the*
22 *residence, and a contact number of a minimum of one resident*
23 *assigned with the responsibility of mitigating a complaint.*

24 *(F) Rules for a resident, copies of forms provided to a resident,*
25 *relapse policy, fee and refund policies, and eviction procedures*
26 *and policies.*

27 *(G) Proof that the operator of the residence has completed a*
28 *minimum of 10 hours of alcohol and drug free program*
29 *management education approved by the approved certifying*
30 *organization.*

31 *(H) Proof that a minimum of one resident has received*
32 *certification approved by the approved certifying organization.*
33 *Certification shall include, at a minimum, the following subjects:*
34 *ethics, health and safety topics related to addiction recovery and*
35 *maintenance, and emergency planning procedures.*

36 *(13) (A) Review the registry posted on the department's Internet*
37 *Web site pursuant to subdivision (i) to determine whether the*
38 *residence that the operator has applied to have certified has had*
39 *a previous certification revoked or the operator submitting the*

1 application for certification has operated a residence for which a
2 previous certification has been revoked.

3 (B) Deny an application for certification if the residence address
4 or operator name in the application is listed on the registry and
5 satisfies the conditions described in subparagraph (A), and send
6 the applicant a written notice of denial of certification.

7 (d) The department shall adopt application procedures and
8 standards of approval for an organization that seeks to be approved
9 by the department as an approved certifying organization.

10 (e) The department shall adopt application procedures and
11 standards of approval for an organization that seeks to be approved
12 by the department as an approved national organization.

13 (f) (1) The department may conduct periodic reviews of an
14 approved certifying organization to determine whether the
15 organization is in compliance with all applicable laws.

16 (2) The department may revoke approval of an approved
17 certifying organization if the organization does any of the
18 following:

19 (A) Ceases to be affiliated with the approved national
20 organization.

21 (B) Fails to perform any of the duties imposed by subdivision
22 (c).

23 (C) Refuses to comply with sanctions imposed by the department.

24 (D) Discontinues certifying drug and alcohol free residences.

25 (g) (1) The department may investigate complaints it receives
26 regarding a drug and alcohol free residence independently or in
27 conjunction with the approved certifying organization.

28 (2) The department may impose sanctions and commence
29 disciplinary actions, including revoking the certification of a
30 residence as a drug and alcohol free residence.

31 (h) A city, county, city and county, or local law enforcement
32 agency that suspects that a drug and alcohol residence is not
33 operating in compliance with the residence's code of conduct may
34 request the department to revoke the certification of that residence.

35 (i) The department shall maintain and post on its Internet Web
36 site a registry containing all of the following information:

37 (1) The street address and the name and contact telephone
38 number of the operator of each residence that has been certified
39 as a drug and alcohol free residence pursuant to this section.

1 (2) *The street address of each residence that has had its*
2 *certification revoked.*

3 (3) *The name of each operator of a residence that has had its*
4 *certification revoked.*

5 (j) *On and after January 1, 2018, a state agency,*
6 *state-contracted vendor, county agency, or county-contracted*
7 *vendor that directs substance abuse treatment, or a judge or parole*
8 *board that sets terms and conditions for the release, parole, or*
9 *discharge of a person from custody, if it requires a person to reside*
10 *in a sober living environment, shall refer that person only to a*
11 *residence listed as a certified drug and alcohol free residence on*
12 *the registry posted on the department's Internet Web site.*

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